

Remarks

The non-final Office Action of March 30, 2010, has been carefully reviewed and these remarks are responsive thereto. Upon entry of this paper, claims 1-16, 18-23, 39-45, 47-58, and 61-62 remain pending. Claims 17, 24-38, 46, and 59-60 have been previously cancelled without prejudice or disclaimer. Claims 1-16 and 61 have been amended without adding any new matter. Support for the amendments may be found, for example, in Figure 3 and on page 5, line 23-page 6, line 2 of the Specification as originally filed. The Examiner is respectfully requested to call the undersigned by phone if it is felt that this response does not place the Application in condition for allowance.

Examiner Interview

Applicants thank the Examiner for the telephone conversation of April 26, 2010. During the conversation, the Examiner clarified the reason for the claim objection regarding the use of “configured to” language. The Examiner stated that MPEP § 2111.04, which details the use of “adapted to,” “adapted for,” “wherein,” and “whereby” clauses, was being used to object to the “configured to” language of claims 1, 18, and 61. In addition, the Examiner stated that the rejection under 35 U.S.C. § 112 was being made because independent claims 1 and 61 were both being interpreted as means plus function claims.

Claim Objections

The Office Action on page 2 states that claims 1-16, 18-23 and 61 are objected to because the phrase “gateway configured to” is not considered a positive recitation. As stated above, the Examiner cited MPEP § 2111.04 for support in making this objection. MPEP § 2111.04 details the use of “adapted to,” “adapted for,” “wherein,” and “whereby” clauses. MPEP § 2111.04 states that these phrases may “raise a question as to the limiting effect of the language in a claim.” MPEP § 2111.04 does not say anything about use of the phrase “configured to” in claim language. Applicants submit that the use of “configured to” is a positive recitation. In addition claims 1-16 and 61 have been amended to remove the “configured to” language. For both of these reasons, Applicants respectfully request reconsideration and allowance of claims 1-16, 18-23, and 61.

Claim Rejections under 35 U.S.C. § 112

Claims 1-6, 12-16 and 61 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Office Action states that independent claims 1 and 61 are both being interpreted as means plus function claims and alleges that both claims 1 and 61 do not disclose the recited gateway in association with any other element in the gateway. Independent claims 1 and 61 and dependent claims 2-6, 12-16 have been amended to read as apparatus claims (e.g., a gateway) comprising a processor and memory configured to perform a method, and as such, the 112 rejection for these claims is moot. Reconsideration and allowance of these claims is respectfully requested.

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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